UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

ORIGINAL (Red)

SUBJECT: Closing out the Greenbriar River Site from the CERCLA Removal Enforcement Section

DATE: Dec. 3, 1985

FROM: Emily S. Chow, Environmental Engineer
CERCLA Removal Enforcement Section (3HW14)

TO: File

A severe flooding occured at the Greenbriar River in the State of West Virginia in mid November, 1985. As a result of this flooding, several industrial facilities as well as residential homes were destroyed and swept downstream along with approximately 1200 drums, cylinders, and small containers. On November 14, the OSC was on the scene to assess the extend of the problem. On November 20, the CERCLA Removal Enforcement Section ("CRES") was notified of the site, and an investigation was initiated.

In a telephone conversation with the OSC on Dec. 2, 1985, the CRES was informed that there were approximately 800 to 900 of the 1200 drums belonged to the Jiffy Foam & Inc. Two drums belonged to the Appalachian Electronic, and the rest belonged to unidentified owners. The President of the Jiffy Foam Company claimed, and the neighboring residents confirmed, that the drums were stored under reasonable care on Jiffy Foam's property. They were placed outside of the normal flooding zone.

At the present time, the Removal action has reached the last phase. All but seventeen of the drums were compressed and disposed of at a local landfill. Appalachian Electronic retrieved two of the drums, and the OSC is waiting for the analytical results to determine the appropriate disposal method for the remaining fifteen drums.

After having discussions with the OSC and the CRES, the Regional Counsel concluded that since there was no negligence in storing the drums, it was an act of God. EPA has no legal basis in pursuing any enforcement actions against the drum owners. Considering the advise from the Regional Counsel, the CRES recommend to close-out this case without any further enforcement actions.

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